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Baroness Hayter of Kentish Town  
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24 January 2023

Dear Baroness Hayter

**National Security Bill: Overseas Political Parties**

Thank you for your letter dated 15 January. I committed to respond to you regarding questions you raised both in this letter and during the debate on 11 January in Committee Day 3 of the Bill. I have sought to address your questions in order.

**In those countries which – unlike the UK – do not have a legal definition of a political party, who will make that judgement and on what basis? (Was “En Marche” a party on its first outing?)**

What constitutes a governing political party will vary in different countries. Clearly, we cannot legislate for every different administrative structure. We would expect that individuals who are conducting influencing activity on behalf of foreign political parties will be aware of the status of that party in the relevant country. In criminal proceedings where this was an issue, the prosecution would have to prove beyond reasonable doubt that a political party was the governing political party, based on the facts of the case. Clause 30(2) provides a description of a governing political party, making it clear that a political party is only ‘governing’ if there are individuals in it that hold posts in government. Therefore, any political party with no members holding posts in the government would not be in scope. The Government considers that this position is sufficiently clear in the Bill.

**What defines a party “in” government (as opposed to Opposition). Is the Head of State’s party automatically “in government” even where the legislature is in the hands of an Opposing party – particularly where a President is selected by a popular ballot and thus will have stood under a party banner? In America, is it the Republicans or the Democrats?**

**Who will take that decision for each overseas country, and how will that be communicated to us as legislators, so that we can know which representatives we can, or cannot, meet without reporting?**

The Democratic Party runs the US Administration and sets the direction of Government policy and is therefore the governing political party. This is distinct from the leader of the House of Representatives who does not set the direction of Government policy. As set out in the Bill, a political party is only governing if there are individuals within it that hold posts in government. We will be issuing specific guidance to ensure that individuals and businesses understand their responsibility under the scheme. The responsibility for registering will be on those individuals conducting influencing activity or in an arrangement to do so, rather than members of the House who might be engaged by those seeking to influence.

**And what would happen if – as in the UK – there were devolved governments such that (as is currently the position here), the three Heads of Government are from different parties? Which – in the Overseas equivalent – would count as a governing party?**

If a devolved government does not belong to the governing political party of the foreign government, they would not meet the definition of a foreign power. In the case of the UK, the Scottish National Party are the governing political party of Scotland, but not of the UK.

**Do the exemptions cover just the actual parties, or also their members or representatives who might interact with us?**

In respect of the FIRS clauses, foreign powers, including governing political parties of a foreign government or their members acting in their capacity as a member, do not have to register their own activities. However, those in arrangements with foreign entities, including with governing political parties or party members representing those parties, to carry out political influence activities in the UK will need to register these arrangements.

In respect of the exemptions from the meaning of 'foreign power' in 30(3), these would also cover the members and representatives acting in their capacity as a member or representative of their party.

**Under what circumstances would overseas parties' attempts to influence a UK party (for example over internal inter party elections, or perhaps the choice of candidate for an international body) have to be reported?**

Where a person is in an arrangement with an overseas political party to conduct political influence activities in the UK, they will need to register. Registerable activities include communication to any of the individuals defined in clause 68 (2)(a), public communication activities or disbursement activities. The person in the arrangement with the overseas political party will have to register when they carry out these activities to influence any of the matters and persons at clause 68(3). That list includes the proceedings of a UK political party.

**What protection under data protection exist over people's privacy, given that so much would have to be declared to the State?**

The Government takes the protection of data very seriously. We intend for information provided to the scheme to be governed by existing rules under the Data Protection Act 2018 and UK General Data Protection Regulation. We intend that personal data included on the public register will be limited to what is necessary to achieve the transparency and national security objectives of the scheme. We will be setting out in regulations that information will not be published where there is a significant risk that it would put an individual's safety at risk.

**What exactly is the obligation on reporting activities involving Opposition parties, their members and representatives? Would our interaction with them change automatically if they suddenly found themselves in government (or vice versa)?**

I believe you are referring here to your interaction with opposition parties abroad. As set out above, the scheme will introduce requirements to register arrangements with governing political parties, therefore if an opposition party abroad moves into government, that requirement will apply at that point, where of course the arrangement is for you to conduct political influencing activities in the UK on their behalf.

You asked what the situation would be should the opposition/governing parties in the UK change. This does not make any difference under the scheme, where members of the House enter into arrangements with foreign principals (including governing political parties abroad) to conduct political influence activities in the UK, they will need to register these arrangements regardless of whether they are in opposition or in government.

Equally, should a third party enter an arrangement to influence a member of the House on behalf of a foreign principal, in line with clause 68 (3), they would need to register that regardless of whether the member of the House was in government or opposition.

I hope this helps to address the queries that you have raised. I thank you for taking the time to write on these issues. I would like to reiterate that I would be very happy

to meet with you to discuss these matters further. I will circulate this letter with the Committee, and will be depositing a copy of this letter in the House library.

Yours sincerely

A handwritten signature in cursive script that reads "Sharpe of Epsom".

**Lord Sharpe of Epsom OBE**  
Minister for the Home Office